UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,382	09/19/2003	Jane Campbell Mazzagatti	TN188A	8502

7590   07/14/2005

Attn: Michael B. Atlass
Unisys Corporation
Unisys Way, MS/E8-114
Blue Bell, PA 19424-0001

EXAMINER
AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 May 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-67</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>68-75</u> is/are allowed.

6)☒ Claim(s) <u>36,46 and 57</u> is/are rejected.

7)☒ Claim(s) <u>37-45,47-56 and 58-67</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to applicant amendment filed 5/5/05.

2.   Claims 36-75 were amended. Claims 1-35 were canceled. No new claims were added.

3.   Claims 36-67 are pending. Claims 68-75 are allowed.

        Applicant's arguments filed 5/5/05 have been fully considered but they are not

persuasive.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

        Regarding claims 38,40,43,45,49,51,54,56,60,62,65, and 67, the phrase "such as" renders

the claim indefinite because it is unclear whether the limitations following the phrase are part of

the claimed invention. See MPEP § 2173.05(d).

        Claim 50 is inherent the deficiency of claim 49, since claim 50 depends on claim 49.

        Claims 38,40,43,45,49,50,51,54,56,60,62,65, and 67, would be allowable if rewritten to

overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and

to include all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 36, 46, and 57, are rejected under 35 U.S.C. 102(b) as being anticipated by

Imanaka (US Patent No. 6,025,932).

Regarding Claims 36,46, and 57, Imanaka discloses a method of evaluating a collection

of data incorporated into an interlocking trees data store situated within active memory

accessible to process running in a computer said interlocking trees data store comprising a

structured collection of nodes connected by links of said nodes having pointers to other-nodes of

said interlocking trees data store wherein said nodes contain a count field said nodes including at

least nominally different kinds of nodes a first kind called-root nodes of which there are at least

one primary root node and at least one elemental root node and which may include other root

nodes, a second kind of node called an end of though node, at least one node of a third kind of

node called a subcomponent node, and at least one node of a kind of node called an end product

node, and wherein there exist at least two kinds of said links asResult and asCase links, wherein

said asResult links point between a one of said root nodes and any other node and wherein

said asCase links point between said at least one primary root node and at least one said end

product node and include in a path between said end product node and said primary root node at

least one said subcomponent node, said method comprising the steps of:

determining a context within said data store and its corresponding context value (Col. 6,

lines 54-60, Imanaka);

determining a focus within said context and its corresponding focus value (Col. 7, lines

10-15, Imanaka);

calculating probability of the occurrence of said focus within said context employing the

corresponding value of said context and said focus (Col. 11, lines 19-33, Imanaka); and

providing a probability value corresponding to said probability of the occurrence of said

focus within said context to said process running in said computer (Col. 10, lines 56-67,

Imanaka)

Allowable Subject Matter

Claims 37, 39, 41, 42, 44, 47, 48, 52, 53, 55, 58, 59, 61, 63, 64, and 66,objected to as

being dependent upon a rejected base claim, but would be allowable if rewritten in independent

form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: regarding claims 37,

39, 41, 42, 44, 47, 48, 52, 53, 55, 58, 59, 61, 63, 64, and 66, the prior art fails to teach or suggest

the steps of: nodes and links between said node each of said nodes having a plurality of data

field, at least two of the plurality of data fields containing a pointer, one of the at least two

pointers being a Case pointer and the other of the at least two pointers being a Result pointer and

at least one node having at least one additional pointer to a list of pointers one of the additional

pointers to said list of pointers being to an asCase list of pointers in instance where said node has

an associated as Case list and another being to asResult list of pointers in instance where the

node has associated an associated as Result list, and wherein said nodes include types of nodes

called root nodes of which there are at least one primary root node and at least one elemental root

node and wherein said nodes may include another root nodes, said nodes further including types

of nodes called end of thought nodes of which there is in said structure at least one end of

thought node, types of nodes called subcomponent nodes of which there is in the structure at

least one subcomponent node, and types of nodes called product nodes of which there is in said

structure at least one end product node, and wherein the as Result links point between a root

node and any other of the node types, and wherein as Case links point between said at least one

primary root node and at least one end product node, including in a path there between at least

one subcomponent node and wherein the elemental root nodes also have a field having one of the

values, in conjunction with remaining claim provisions, is not taught or suggested, or rendered

obvious over the prior art of record or that encountered in searching the invention.

The following is an examiner's statement of reasons for allowance: regarding

independent claims 68, 73, and 74, the prior art fails to teach or suggest the steps of: nodes and

links between said node each of said nodes having a plurality of data field, at least two of the

plurality of data fields containing a pointer, one of the at least two pointers being a Case pointer

and the other of the at least two pointers being a Result pointer and at least one node having at

least one additional pointer to a list of pointers one of the additional pointers to said list of

pointers being to an asCase list of pointers in instance where said node has an associated as Case

list and another being to asResult list of pointers in instance where the node has associated an

associated as Result list, and wherein said nodes include types of nodes called root nodes of

which there are at least one primary root node and at least one elemental root node and wherein

said nodes may include another root nodes, said nodes further including types of nodes called

end of thought nodes of which there is in said structure at least one end of thought node, types of

nodes called subcomponent nodes of which there is in the structure at least one subcomponent

node, and types of nodes called product nodes of which there is in said structure at least one end

product node, and wherein the as Result links point between a root node and any other of the

node types, and wherein as Case links point between said at least one primary root node and at

least one end product node, including in a path there between at least one subcomponent node

and wherein the elemental root nodes also have a field having one of the values, in conjunction

with remaining claim provisions, is not taught or suggested, or rendered obvious over the prior

art of record or that encountered in searching the invention.

The dependent claims 69-70, and 75 being further limiting to the independent claims,

definite and enabled by the Specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Comments

The date on which the petition under 37 CFR 1.136(a) and the appropriate

extension fee have been filed is the date for purposes of determining the period of extension

and the corresponding amount of the fee. In no case may an applicant reply outside the

SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5)

MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply

must be timely filed to avoid abandonment of this application.

Any comments considered necessary by applicant must be submitted no later than

the payment of the issue fee and, to avoid processing delays, should preferably accompany

the issue fee. Such submissions should be clearly labeled "Comments on Statement of

Reasons for Allowance."

As allowable subject matter has been indicated, Applicant's response must either comply

with all formal requirements or specifically traverse each requirement not complied with. See 37

CRF 1.111(b) and MPEP section 707.07(a).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Other Prior Art Made of Record

1. Davis et al. (US Patent No. 5,918,229) discloses a   Structured data storage using globally

addressable memory.

2. Morgenstern (US Patent No. 5,970,490) discloses an integration platform for heterogeneous

databases.

3. Agrawal et al. (US Patent No. 6,233,575) discloses multilevel taxonomy based on features

derived from training documents classification using fisher values as discrimination values.

4. Kothuri et al. (US Patent No. 6,505,205) discloses a relational database system for storing

nodes of a hierarchical index of multi-dimensional data in a first module and metadata

regarding the index in a second module.

5. Marquis (US Patent No. 5,930,805) discloses a storage and retrieval of ordered sets of keys in

a compact 0-complete tree.

6. Imanaka (US Patent No. 6,025,932) discloses digital information encoding apparatus digital

information encoding/decoding apparatus, digital information encoding method and digital
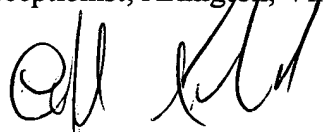
information decoding method.

Points of Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013.

The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet

Metjahic, can be reached on (571) 272-4023. Any response to this office action should be

mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax

at phone number (703) 746-9890. For formal or draft communications, please label

"PROSPOSED" or "DRAFT". Hand-delivered response should be brought to

Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
June 23, 2005

ALFORD KINDRED
PRIMARY EXAMINER